



Frank & West
Environmental Engineers, Inc.

January 26, 2011

Director, Water Division
Region 5, EPA
Attn: Cheryl Burdett
Water Enforcement Compliance Assurance
Branch (WC-15J)
USEPA
77 West Jackson Blvd
Chicago, IL 60604-3590

RECEIVED

FEB 03 2011

**WATER ENFORCEMENT & COMPLIANCE
ASSURANCE BRANCH, EPA, REGION 5**

RE: FOIA Exemption (b) (6) Farms, Inc.
Docket No. V-W-AO-10-13

Dear Mrs. Burdett,

This letter and attachments are submitted in response to the EPA letter dated December 30, 2010, and is intended to meet the requirements detailed in section V paragraphs 78 and 82 of the Order for FOIA Exemption (b) (6) Farms, Inc., dated September 10, 2010. The facility worked diligently to develop designs for improvements to the facility that will address the areas of concern within the Order. In order to determine exactly what will be constructed, the facility has been awaiting approval of their plans prior to forwarding them to the EPA. We realize our error and we apologize for the delay and are forwarding all required elements immediately.

As required by the Order, numerous interim measures were implemented to address the areas detailed in the Order. The Order sites (III.26.a) the silage storage area as an area where runoff into the adjacent road ditch occurred. It was apparent that one of the silage bags was inadvertently placed too close to the road and thus not in an area that flowed to the earthen storage basin. This bag has been removed and all runoff from the silage/commodity area is directed into the earthen storage basin. The Order sites (III.26.b & III.26.c) facility piles that let to runoff from the site. The mortality pile was removed from the facility and no longer exists. An earthen berm was placed around the sand pile to prevent runoff while the material from the pile was land applied at agronomic rates according to a comprehensive nutrient management plan. The Order also sites (III.26.d) the areas are the west end of the freestall barns where surface water from these areas flowed towards the facility roadside ditch. Earthen berms were placed at the west end of the buildings to direct any precipitation into the building and thus prevent runoff.

Mrs. Cheryl Burdett

January 24, 2011

Page | 2

The facility has provided their proposed designs for additional solid and liquid waste storage facilities as Attachment A. These plans include a 28,500 ft²+ addition of reinforced concrete indented to be utilized as a solid stack for waste storage and a diversion of all waste contact waters into the existing earthen storage basin. The plans also include a 3,700 ft²+ addition of a manure transfer and/or scrape lane to add in the transfer of waste from the livestock barns to the existing earthen storage basin. In order to accommodate the rainfall on these surfaces and to add to the facility's overall storage volume, an additional earthen basin is proposed for this facility. These additions will allow the facility to contain all waste contact water at the facility and increase the time period that waste can be stored at the facility. It is anticipated that the plans will be approved in the next 60 days and that construction of the facility's proposed items will begin this spring and be completed by November 30, 2011.

I have provided below a list of costs that have been incurred to install the interim measures:

- a) Comprehensive Nutrient Management Pla, - [FOIA Exemption (b) (6)]
- b) Construction Costs - [FOIA Exemption (b) (6)]
- c) Maintenance Costs [FOIA Exemption (b) (6)]

I have provided below a list of costs that will be incurred to construct and maintain the proposed facility.

- a) Engineer Design Fees - [FOIA Exemption (b) (6)]
- b) Construction Costs - [FOIA Exemption (b) (6)]
 - a. Maintain Capacity in Storage Structures Annually [FOIA Exemption (b) (6)]

In short we anticipate our 2010 costs for construction all interim measures and 2011 costs for the additional earthen storage basin, and reinforced concrete solid stack and waste transfer improvements to be [FOIA Exemption (b) (6)] We also anticipate our annual costs to maintain adequate storage capacity to be [FOIA Exemption (b) (6)]

If you have any questions or comments regarding the Birchen Dairy Facility please advise.

FRANK & WEST
ENVIRONMENTAL ENGINEERS, INC.



Chris J. West, P.E.
President

Attachment A: Proposed Improvements

cc [FOIA Exemption (b) (6)]

ATTACHMENT A
PROPOSED IMPROVEMENTS